

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROMEO COOLEY

Plaintiff,

v.

MICHAEL DUNLAVEY, et al.,

Defendants.

Civil Action No. 07-173 Erie

**MEMORANDUM ORDER**

AND NOW, this 6<sup>th</sup> day of October, 2008, and upon review *nunc pro tunc*, of Plaintiff's untimely filed objections [Doc. No. 40] to Magistrate Judge Susan Paradise Baxter's Report and Recommendation [Doc. No. 38] filed on August 19, 2008, recommending that the motion to dismiss filed by Defendant Richmond [Doc. No. 17] be granted, the motion to dismiss filed by Defendant Dunlavey [Doc. No. 22] be granted and the motion to dismiss filed by Defendants Brooks and Lowry [Doc. No. 25] be granted, the following order is entered:

IT IS HEREBY ORDERED that the motion to dismiss filed by Defendant Richmond [Doc. No. 17] is GRANTED; the motion to dismiss filed by Defendant Dunlavey [Doc. No. 22] is GRANTED; and the motion to dismiss filed by Defendants Brooks and Lowry [Doc. No. 25] is GRANTED.

The Report and Recommendation [Doc. No. 38] of Magistrate Judge Baxter, filed on August 19, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge